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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 2072 OF 2007

Jogesh H. Thakkar & Anr. ..**Applicant**s

Vs.

The State of Maharashtra .. **Respondent**

Mr. Subhash Jha, Advocate M/s. Law Global for the applicant.

Mrs. M. H. Mhatre, APP for the State, Respondent.

CORAM : V. C. DAGA,J.

DATE : JULY 5, 2007

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. Heard the learned counsel appearing for the applicant, and the learned APP for the respondent State.

2. This is an application under Sec. 438 of Code of Criminal Procedure, seeking anticipatory bail.

3. The dispute revolves around the sale and purchase of the share transaction. The allegations of forgery, coupled with other offences under S. 380, 465, 467, 468, 471 and 420 of I.P. Code are being alleged vide C. R. No. 42/P/2003, registered with Gamdevi Police Station.

4. During the course of hearing an Arbitration Award passed by the Bombay Stock Exchange Ltd. dated 9-11-2005 relating to the transaction of sale and purchase of the share, in respect of the very transaction with which present complaint relates is brought to my notice. From this it is clear that the dispute is of civil nature.

5. The entire dispute revolves around the documentary evidence. The learned APP submits that custody of the accused is not necessary. However, they should be directed to cooperate with the investigating agency and to attend the Gamdevi Police Station every 15 days i.e. on 2nd and 4th Monday of the month between 3 to 5 p.m. and that in addition to this attendance, if the investigating agency requires attendance of the applicant on more than these 2 occasions, they should be directed to honour the coll of investigating agency.

6. Having heard both parties, this is a fit case for grant of anticipatory bail. Thus, in the event of arrest, the applicants be released on bail in the sum of Rs.50,000/- each with one surety

in the like amount; or in the alternative, it would be open for the applicants to furnish security in cash. This order shall be operative till filing of the charge sheet. During the period of operation of this order the applicants shall not leave India without the permission of the Court.

7. In the event of non cooperation by the applicants, it would be open for the investigating agency to apply for cancellation of anticipatory bail.

. The Application is accordi disposed off with no orders as to costs.

Sd/-
[V. C. DAGA, J.]